

**KANSAS STATE BOARD OF MORTUARY ARTS
700 SW JACKSON, SUITE #904
TOPEKA, KANSAS**

The Board Meeting of Thursday, July 11, 2019

FORMAT OF MINUTES:

On each motion there appear the names of two board members in a parenthesis. The first named made the motion, and the second named made the second. Ayes and Nays will be recorded at a voter's request.

Thursday, July 11, 2019:

- I. The regularly scheduled meeting of the Kansas State Board of Mortuary Arts (KSBMA) was called to order by President Robert J. Steil.

Roll call by Executive Secretary Mack Smith found the following board members in attendance: President Robert J. "Bob" Steil, Lawrence; Consumer; Barry W. Bedene, Arma, Licensee; Theresa M. Schwartz, Lawrence, Consumer, and Craig Boomhower, Garden City, Licensee. Executive Secretary Mack Smith and Assistant Attorney General Jan Arndt were also in attendance.

Due to a last-minute family emergency, Vice President Bridgette A. Tinsley, Salina, Licensee, was unable to attend the meeting.

An update on Board Member appointments:
Theresa M. Schwartz (term expired 7/31/2018)
Barry W. Bedene (term expires 7/31/2019)

Nothing new to report at this time.

The board noted this meeting's tentative agenda that is displayed on the agency's website at: <http://ksbma.ks.gov/> under the heading of *Upcoming Meetings*.

(Bedene-Schwartz) To approve a final agenda for this meeting. Carried.

(Schwartz-Bedene) To adopt the April 11, 2019 regularly scheduled board meeting minutes. Carried. These minutes will be signed by President Steil and Executive Secretary Smith, then displayed on the board's website.

The board reviewed results of the written funeral directors' examination administered on April 11, 2019 noting that 100% (three of three applicants) were successful.

(Bedene-Boomhower) To adopt the 2019 KSBMA Report made by President Steil at the Kansas-Missouri-Nebraska Tri-State Convention at the Sheraton Hotel and Overland Park Convention Center in Overland Park, Kansas on Tuesday, May 7, 2019. Carried.

The board reviewed results of the written assistant funeral directors' examinations administered from May through July 2019 noting that 68% (eleven of sixteen applicants) were successful along with examination information for all applicants since the law requiring examination for assistant funeral directors was enacted in 2008 where 67.1% (216 of 322 applicants) were successful.

The board reviewed the 'Interview Times' and the 'List of Licensure Applicants' scheduled to interview with the board at this meeting, noting that nine (9) applicants are scheduled to meet with the board: four (4) embalmer-funeral director applicants, three (3) funeral director applicants, one (1) reciprocal embalmer-funeral director applicant and one (1) reciprocal embalmer applicant. Following approval by the Board, eight (8) applicants are scheduled to be administered the written funeral directors' examination in conjunction with this meeting.

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- II. The board reviewed individual applications for licensure along with the executive secretary's summations of the applicant's apprentice and supervising licensee progress reports. Applicants for licensure will be interviewed later in this meeting. All funeral director applicants will be administered the written funeral directors' examination proctored by Funeral Home/ Crematory Inspector Francis Mills at 1:30 p.m. this afternoon in the Florentine Room of the Jayhawk Tower.

The Board reviewed a letter denying the second quarter of apprenticeship to an apprentice embalmer due to lack of activity—as was directed at the April 2019 Board Meeting.

Quarterly apprentice progress reports of embalmer/funeral director apprentices and supervising licensees that were due June 15, 2019 were summarized by the executive secretary with copies of the individual reports available for board members to review.

III. **Investigative Committee (IC) Report:**

Three (3) files were closed with twelve (12) files remaining open at this time.

IV. **Legislative Discussion**

The Board reviewed the final report from the 2019 Legislative Session regarding all bills involving the funeral profession and state government that is provided by administrative staff. 2019 is the first year of the two (2) year legislative session—which will be continued in 2020. Individual bills discussed, included: **H Sub for SB 25**—Contains the KSBMA budgets for FY 2020 (7/1/2019–6/30/2020) and FY 2021 (7/1/2020–6/30/2021.) The bill became law after publication in the Kansas Register. Information regarding the KSBMA budgets will be discussed later this meeting.

SB 48—Allows the legal next of kin to direct where the remains could be transported to following death with no limitations. The bill remains in the Senate Public Health and Welfare Committee.

HB 2155—Establishes the State Medical Examiner's Office. The bill remains in the House Health and Human Services Committee.

HB 2199—Legislation introduced by the Kansas Funeral Directors Association (KFDA) regarding the coroner's authorization to cremate permit. Currently the bill is on General Orders in the Senate after passing the House, 120-1 and has retained a place on the Senate Calendar.

HB 2219—Amends the Kansas Open Meetings Act (KOMA) to require recording of all public meetings and make such recordings available/accessible to the public within 24 hours after such meeting. The bill remains in the House Judiciary Committee.

HB 2290—Involves the Kansas Open Records Act (KORA) and the Kansas Open Meetings Act (KOMA) and addresses violations involving public (State) Agencies. A copy of the bill, which became law upon publication in the Kansas Register on May 30, 2019, was provided.

V. Board Business:

- 1) (Bedene-Boomhower) To approve the quarterly lists of continuing education. Carried. Lists approved were: Scheduled (On-Site) Programs (Listing by Date of Program from the KSBMA web site), Ongoing Programs, Home-Study/Correspondence Programs and the list of Crematory Operator Programs. These items are updated regularly and are available on the board's website.
- 2) (Boomhower-Schwartz) To approve the list of lapsed licenses. Carried. This list contains the names of individuals whose license renewals are past due for longer than six months, who have requested that their licenses be dropped or who have died and in the case of assistant funeral directors, who are no longer employed at a funeral home under the supervision of a funeral director. The current list reviewed and approved by the Board included seven (7) assistant funeral director licenses, eight (8) crematory operator licenses, thirteen (13) embalmer licenses and twelve (12) funeral director licenses. This information is provided for a number of reasons, including use by the Office of Vital Statistics (OVS) for purposes of licensure verification on death certificates. The board reviewed the list of Automatically Suspended Licenses. This list contains the names of individuals who have not paid their license renewal fees by the appropriate due date and have not requested that their licenses be dropped. Once a license is six months in arrears, it is then automatically placed on the lapsed license list for purposes of being dropped. This list includes nine (9) embalmer licenses, nine (9) funeral director licenses and three (3) crematory operator licenses for license renewals due through June 30, 2019. The board reviewed the following lists of information for the quarter: Changes in Funeral Home and Crematory Ownership with five (5) new funeral homes changing owners this quarter. The list of Closed Funeral Homes and Crematories to report this quarter consists of two (2) funeral homes.

- 3) (Bedene-Schwartz) To approve the FY 2019 Fourth Quarter Report (April 1–June 30, 2019) of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 182 inspections were conducted during the 4th quarter of FY 2019 with two (2) violations noted and 5,860 miles traveled involving visits to forty-three (43) counties.
(Schwartz-Bedene) To approve the FY 2019 Final Report (July 1, 2018–June 30, 2019) of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 784 inspections were conducted during 2019 with eight (8) violations noted and 26,918 miles traveled involving visits to 215 counties. The agency has ordered a new replacement automobile.
- 4) The Board reviewed the current roster of apprentice embalmers and funeral directors. A total of twenty (20) apprentices are currently registered with the board, including: ten (10) embalmer-funeral director apprentices, four (4) embalmers and six (6) funeral director apprentices.
- 5) Discussion of articles/information of interest involving the agency, licensure, regulation and the funeral profession in general were provided to board members and legal counsel regarding articles on a wide range of subjects, including: composting of human remains, fair chance licensing, occupational licensing, New Jersey legislation vetoed by the Governor, donation and disposition, funeral home owing real estate property taxes, reciprocity in Arizona, an ethical approach/best practices relating to body preparation a creative way to sell prefinanced funeral agreements and cremated remains sent into orbit.
- 6) The remaining Board meeting date for 2019 is October 10.
- 7) After a brief discussion: (Bedene-Steil) To approve the following meeting dates for 2020: January 9, April 9, July 9 and October 8. Carried.
- 8) The Board reviewed a letter as was directed at the April 11, 2019 meeting and a response.

VI. Executive Secretary's Report:

- 1) Updated Budget Information:
 - a) FY 2019 (July 1, 2018–June 30, 2019) The approved expenditure limitation is \$330,887. Expenditures totaled approximately \$305,887, leaving an approximate balance of \$25,000. Final figures should be available at the October meeting. Any remaining funds will be transferred to the KSBMA fee fund.
 - b) FY 2020 (July 1, 2019–June 30, 2020) The updated expenditure limitation approved by the Finance Council is \$325,858—which includes a 2½% employee pay raise.
 - c) FY 2021 (July 1, 2020–June 30, 2021) The amount approved by the 2019 Legislature and Governor Kelly is \$325,571. The 2½% employee pay raise will need to be requested in a supplemental change package of \$6,996 which, if approved, would result in a revised expenditure limitation of \$332,567.
 - d) Performance Based Budgeting (PBB)—Nothing new to report at this time.

- 2) Information regarding the International Conference of Funeral Service Examining Boards (ICFSEB):
 - a) 2019 Monthly NBE Results were provided and discussed.
 - b) Mr. Smith will be attending the ICFSEB's Mid-Year Board Meeting if his schedule permits.
 - c) The 2019 edition of Regulations in Funeral Service Licensing was provided and discussed.
- 3) There was no new information to report from the Council on Licensure, Enforcement and Regulation (CLEAR).
- 4) There was no new information regarding the Federation of Associations of Regulatory Boards (FARB).
- 5) Information for the Kansas Funeral Directors Association (KFDA):
 - a) The board reviewed the March/April, May and June 2019 KFDA Journals.
 - b) Tri-State Convention information was shared.
- 6) The KSBMA's website, located at <http://ksbma.ks.gov/>, continues to be maintained by staff and updated on a regular basis.
- 7) There was no new information to report from the National Funeral Directors Association (NFDA).
- 8) There was no new information to report from the Federal Trade Commission (FTC) regarding the FTC Funeral Rule.
- 9) There was no new information to report from the American Board of Funeral Service Education (ABFSE.)
- 10) There was no new information to report from the Cremation Society of North America (CANA)
- 11) There was no new information to report from the Funeral Consumer's Alliance (FCA)
- 12) Information from the Funeral Consumer's Alliance of Greater Kansas City (FCA-GKC):
 - a) The Spring Report newsletter was shared.
- 13) There was no new information from the Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS).
- 14) Information to report from the Kansas City Kansas Community College (KCKCC) Mortuary Science Program:
 - a) Annual Advisory Board Meeting—Mr. Smith attended as a member of the KCKCC Advisory Board.
- 15) There was no new information from the Kansas Mass Fatality Planning Task Force.
- 16) The agency's Continuity of Operations Planning System (COOP) continues to be updated quarterly or more often as is needed. This is the system utilized in cases of emergencies by the State of Kansas for state agencies. COOP also sends monthly planning topics to all state agencies—including the KSBMA.
- 17) Information from the Non-Cabinet Agency Heads Meeting held on Thursday, April 25, 2019 was provided and discussed. Information at the meeting was provided by Secretary of Administration Duane Goossen; Deputy Director, Public Safety & Training, Office of Personnel Services, Craig Kibbe; Chief Information Security Officer Rodney Blunt from the Office of Information Technology Services (OITS); Deputy Director of the Budget, Julie Thomas—on the current status of the budget; and Director of Appointments from the Governor's Office Scott Allegrucci—working hard with the backlog of appointments needing to be completed. More than 200

appointments are due by June 30, 2019. Appointments Coordinator Justin Kim is working with State Board appointments.

VII. The board met with *Applicants for Licensure* to discuss their applications and apprenticeships:

Reciprocal (Missouri) Embalmer Applicant: Ms. Danna L. “D” Hines

(Bedene-Schwartz) To grant a reciprocal embalmer license upon payment of an initial license fee of \$98.00. Carried. Ms. Hines is licensed as an embalmer and funeral director in the state of Missouri and is also a licensed Kansas funeral director. Once issued, the renewal date for the license would be August 31, 2020. Ms. Hines earned an Associate in Science Degree at Gupton-Jones College of Funeral Service located in Nashville, Tennessee and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) She is employed at A Better Place Funeral, LLC in Shawnee, Kansas.

Funeral Director Applicant: Ms. Jena A. Ortega

(Bedene-Boomhower) To grant a funeral director license upon completion of apprenticeship, passing the written funeral director examination, which will be administered later today and payment of an initial license fee of \$40.00. Carried. With continuous employment, Ms. Ortega is scheduled to complete her funeral director apprenticeship on July 25, 2019 at Penwell-Gabel Cremations, Funerals and Receptions located in Topeka, Kansas. Once issued, the renewal date for the license would be March 31, 2021. Ms. Ortega earned an Associate in Applied Science Degree in Mortuary Service at Kansas City Kansas Community College (KCKCC) located in Kansas City, Kansas and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) She is currently serving an embalming apprenticeship.

Embalmer-Funeral Director Applicant: Ms. Megan Kay (Mitchell) Margocs

(Bedene-Schwartz) To grant an embalmer license upon payment of an initial license fee of \$133.00 and to grant a funeral director license upon passing the written funeral director examination, which will be administered later today and payment of an initial license fee of \$38.00. Carried. Ms. Margocs completed her embalmer and funeral director apprenticeships on June 28, 2019 at Resthaven Mortuary located in Wichita, Kansas. Once issued, the renewal date for the licenses would be January 31, 2021. Ms. Margocs earned an Associate in Applied Science Degree in Funeral Service Education at Ogeechee Technical College located in Statesboro, Georgia and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

Embalmer-Funeral Director Applicant: Ms. Kaycie D. Means

(Boomhower-Schwartz) To grant an embalmer license upon completion of apprenticeship, payment of an initial license fee of \$126.00 and to grant a funeral director license upon completion of apprenticeship, passing the written funeral director examination, which will be administered later today and payment of an initial license fee of \$36.00. Carried. With continuous employment, Ms. Margocs is scheduled to complete her embalmer and funeral director apprenticeships on August 13, 2019 at Reflection Pointe Funeral and Cremation Services located in Wichita, Kansas. Once issued, the renewal date for the licenses would be January 31, 2021. Ms. Means earned an Associate in Applied Science Degree in Mortuary Service at Kansas City Kansas Community College (KCKCC) located in Kansas City, Kansas and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

Embalmer-Funeral Director Applicant: Mr. Perry “Evan” Gorrell

(Bedene-Boomhower) To grant an embalmer license upon payment of an initial license fee of \$91.00 and to grant a funeral director license upon passing the written funeral director examination, which will be administered later today and payment of an initial license fee of \$26.00. Carried. Mr. Gorrell completed his embalmer and funeral director apprenticeships on June 19, 2019 at Maple Hill Funeral Home located in Kansas City, Kansas. Once issued, the renewal date for the licenses would be July 31, 2020. Mr. Gorrell earned an Associate in Applied Science Degree in Mortuary Service at Kansas City Kansas Community College (KCKCC) located in Kansas City, Kansas and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

Embalmer-Funeral Director Applicant: Ms. Taylor K. Schraad

(Bedene-Schwartz) To grant an embalmer license upon completion of apprenticeship, payment of an initial license fee of \$168.00 and to grant a funeral director license upon completion of apprenticeship, passing the written funeral director examination, which will be administered later today and payment of an initial license fee of \$228.00. Carried. With continuous employment, Ms. Schraad is scheduled to complete her embalmer and funeral director apprenticeships on July 16, 2019 at Jones Funeral Home located in Burlington, Kansas. Once issued, the renewal date for the licenses would be July 31, 2021. Ms. Schraad earned a Bachelor of Science Degree in Funeral Service at the University of Central Oklahoma located in Edmond, Oklahoma and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

Funeral Director Applicant: Ms. Jessica M. Shipps

(Boomhower-Schwartz) To grant a funeral director license upon passing the written funeral director examination, which will be administered later today and payment of an initial license fee of \$230.00. Carried. Ms. Shipps completed her funeral director apprenticeship on June 11, 2019 at Ziegler Funeral Chapel located in Dodge City, Kansas. Once issued, the renewal date for the license would be March 31, 2021. Ms. Shipps earned an Associate of Applied Science Degree in Mortuary Service at Arapahoe Community College located in Littleton, Colorado and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) She is currently serving an embalming apprenticeship.

Funeral Director Applicant: Ms. Maria D. Joplin

(Boomhower-Schwartz) To grant a funeral director license upon completion of apprenticeship, passing the written funeral director examination, which will be administered later today and payment of an initial license fee of \$30.00. Carried. With continuous employment, Ms. Joplin is scheduled to complete her funeral director apprenticeship on August 14, 2019 at Wulf-Ast Mortuary located in Garden Plain, Kansas. Once issued, the renewal date for the license would be October 31, 2020. Ms. Joplin earned an Associate in Applied Science Degree in Mortuary Service at Kansas City Kansas Community College (KCKCC) located in Kansas City, Kansas and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) She is a licensed Kansas embalmer.

Reciprocal (Utah) Embalmer-Funeral Director Applicant: Mr. Mark C. Heiner

(Boomhower-Schwartz) To grant a reciprocal embalmer license upon payment of an initial license fee of \$98.00 and to grant a funeral director license upon passing of the written funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$28.00. Carried. Mr. Heiner is licensed in the States of Utah and Idaho. He earned an Associate in Applied Science Degree in Funeral Service Education at Mount Hood Community College in Gresham, Oregon and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.). Once issued, the renewal date for the licenses would be August 31, 2020. Mr. Heiner is employed at Keithley Funeral Homes in Hays, Kansas and is licensed as an assistant funeral director and crematory operator.

VIII. Election of Officers

President: (Bedene-Steil) To nominate Mr. Boomhower as Board President and for nominations to cease. Carried.

Vice President: (Boomhower-Steil) To nominate Mr. Bedene as Board Vice President and for nominations to cease. Carried.

Committee Appointments made by President Boomhower are as follows:

Advisory Opinion Committee: Mr. Bedene.

Investigative Committee: Ms. Schwartz and Mr. Bedene.

Hearing Committee: Mr. Steil, Mr. Boomhower and Ms. Tinsley.

Continuing Education Committee: Mr. Boomhower and Ms. Tinsley.

IX. New/Old/Remaining Business/Adjournment

(Schwartz-Steil) To adjourn—subject to recall by the president, vice president or executive secretary. Carried. The date of the next regularly scheduled board meeting is Thursday, October 10, 2019.

At approximately 1:30 p.m. Executive Secretary Smith read instructions to the funeral director examinee applicants prior to the administration of the funeral directors' examination which was proctored by Inspector Francis Mills in the Florentine Room of the Jayhawk Tower.

Respectfully submitted:



Craig Boomhower, President
Thursday, October 10, 2019
(Date)



Mack Smith, Executive Secretary
Thursday, October 10, 2019
(Date)